

IN RE: PETITION FOR ZONING VARIANCE
N/S Chesaco Avenue, 443' SW
of Patapsco Avenue
15th Election District
7th Councilmanic District
Francis D. Mull, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-88-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 8 feet in lieu of the minimum required 25 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by Francis D. Mull, appeared and testified. Also appearing on behalf of the Petition were Thomas D. Mull, Petitioners' son and Contract Purchaser of the subject property, and Laura M. Mehler. There were no Protestants.

Testimony indicated that the subject property consists of 0.39 acres more or less zoned D.R. 5.5 and is presently unimproved. Said property is located within the Chesapeake Bay Critical Areas near Northeast Creek at the corner of Chesaco Avenue and Chester Avenue, a paper street. The subject property actually crosses over onto Chester Avenue of which a portion is to be closed by Baltimore County and acquired by Petitioners as depicted on Petitioner's Exhibit 1. Petitioners purchased the subject property in 1988 for purposes of constructing a single family dwelling thereon. Thomas Mull testified that for the past year he has worked closely with the Department of Environmental Protection and Resource Management (DEPREM) regarding placement of the proposed dwelling, and the Office of Law regarding the closing of Chester Avenue. Testimony indicated that compliance with DEPREM requirements has made development of the subject

property extremely difficult; however, an agreement was reached between Petitioners and DEPREM in support of the proposed development, subject to restrictions. Petitioner submitted a letter dated June 28, 1990 from Robert W. Sheesley, Director of DEPREM, which sets forth the agreement reached between the Petitioners and DEPREM regarding a waiver of stream buffer requirements. Additionally, Petitioners introduced as Petitioner's Exhibit 3, an Order dated September 28, 1990 indicating the closing of Chester Avenue. Pursuant to the terms of the Order, the closing of Chester Avenue is subject to Baltimore County and Baltimore Gas and Electric Company easements as set forth therein.

Petitioners argued that denial of the requested variance would result in practical difficulty and unreasonable hardship and that the proposed location for the placement of the dwelling is best suited in light of Critical Areas boundaries and stream buffer requirements. Further, the comments submitted by the Director of DEPREM dated October 22, 1990 indicate their support of the relief requested. Testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested

will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

The recommendations set forth by DEPREM shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted, subject to the restrictions hereinafter imposed. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner. However, Petitioners understand that proceeding in this matter is at their own risk due to the location of the dwelling in that section of Chester Avenue

which is subject to the easements reserved by Baltimore County and the Baltimore Gas and Electric Company.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of October, 1990 that the Petition for Zoning Variance to permit a front yard setback of 8 feet in lieu of the minimum required 25 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners understand that proceeding in this matter is at their own risk due to the location of the dwelling in that section of Chester Avenue which is subject to the easements reserved by Baltimore County and the Baltimore Gas and Electric Company.
- 3) Compliance with DEPREM comments dated October 22, 1990, attached hereto and made a part hereof.
- 4) Compliance with the terms and conditions set forth in the letter dated June 28, 1990 from Robert W. Sheesley, Director of DEPREM, to Francis D. Mull, identified herein as Petitioner's Exhibit 2.
- 5) Compliance with Zoning Plans Advisory Committee comments submitted by Charles E. Burnham, Plans Review Chief, Department of Permits and Licenses to J. Robert Haines, Zoning Commissioner.

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-88-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.802.3.C.1 to permit a front yard setback of 8 ft. in lieu of the required 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

See attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Thomas D. Mull
(Type or Print Name)

Signature

6405 Golden Ring Rd. #2237
Baltimore, Maryland 21237

Address
City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

City and State

County, on the

day of

at

o'clock

FILED 8/9/90 BY JLL

11th HEARING TIME

ORDER RECEIVED FOR FILING

Date

By

Legal Owner(s):

Francis D. Mull
(Type or Print Name)

Signature

6405 Golden Ring Rd. #2237
Baltimore, Maryland 21237

Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

6405 Golden Ring Rd. #2237
Baltimore, Maryland 21237

Address
City and State

Name

Address

City and State

County, on the

day of

at

o'clock

FILED 8/9/90 BY JLL

11th HEARING TIME

ORDER RECEIVED FOR FILING

Date

By

(over)

J. Robert Haines

Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 31, 1990



Mr. & Mrs. Francis D. Mull
6405 Golden Ring Road
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
N/S Chesaco Avenue, 443' SW of Patapsco Avenue
15th Election District - 7th Councilmanic District
Francis D. Mull, et ux - Petitioners
Case No. 91-88-A

Dear Mr. & Mrs. Mull:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Chesapeake Bay Critical Areas Commission
Towson State Office Building, D-4, Annapolis, Md. 21404

DEPREM

People's Counsel

File

6) Prior to the issuance of any permits, Petitioners shall submit any and all documents required by various County agencies, including, but not limited to, a recorded deed evidencing title of that portion of the subject property which formerly constituted Chester Avenue.

7) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated October 22, 1990, attached hereto and made a part hereof.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Page 2 91-88-A

County Planning that the maximum width Chesaco Ave. could be constructed to is 40 feet, which would still leave a 25 foot distance from our house to the ultimate edge of pavement. Without a zoning variance, this property could not be developed.

Page 1

91-88-A

In 1988 we purchased the property, and plan to give it to our son for him to build a house. In June 1989, Baltimore County's Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains came into effect. The Guide lines require a 75 ft. forest buffer and a 35 foot residential setback from the stream centerline to the proposed structure. Our property contains a stream, and the maximum distance from the stream to the farthest property line is approximately 125 feet. D.E.P.R.M. has granted a variance of the buffer and setback, and will allow a 50 ft buffer with a 30 ft. setback. In order to achieve this buffer, however, we must also reduce the front yard depth to 8 feet in lieu of the required 25 feet. We must also perform a road closing procedure for Chester Ave. the paper street to the south of our property, and claim a portion of this road. The front yard is adjacent to Chesaco Ave. which has a pavement width of 24 feet and a right of way width of 80 feet. The minimum distance from the proposed house to the edge of road is 33 feet which is greater than the 24 feet distance from the road to the house opposite of property across Chesaco Ave. We have been informed by Baltimore

47
CRITICAL AREA
ZONING DESCRIPTION
91-88-A
Beginning at a point on the north side of Chesaco Avenue which is one hundred (100) feet wide at a distance of four hundred-forty-three (443) feet southwest of the centerline of the nearest improved intersecting street, Patapsco Avenue, which is sixty (60) feet wide; Located in the 15th Election District, being Lots # 471, 472, 473, 474, 414A, 415A, 416A and 417A in the subdivision of Chesaco Park, as recorded among the Land Records of Baltimore County in plat Liber WPC # 6, Folio # 164, excepting there from so much of Lots # 471, 414A, 415A, 416A, and 417A which was granted and conveyed unto the State of Maryland to the use of the State Roads Commission (SRC) as shown on SM. Plats # 36025, 36839 and 33205; containing 15,598± square feet, or 0.36± acres; Lot # 474 being subject to an easement as set forth in Deed LMcLM # 866, Folio # 168, granting the right to erect and maintain electrical transmission lines, such property/easement line being described in Deed Liber LMcLM # 905, Folio # 418, beginning at the southwest corner of Lot # 474, N. 29°-23'-0" E. 54.12 feet, S. 15°-41'-10" W., 56.44 feet, and N. 60°-37'-56" W. 13.37 feet to the place of beginning; and, a portion of the Chester Avenue to be closed and aquired by the owners, beginning at the southwest corner of Lot # 474, S 29°-25' W 15.0 feet, S 58°-43' E 68.18 feet, curving to the left a distance of 25,060 feet, with a radius of 660.0 feet, with a chord of N 84°-32'-12.1" E 25.058 feet, N 58°-43' W 88.76 feet to the place of beginning, containing 1178± square feet or 0.027± acres.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number
No 3102
3100

Date 8/03/90 H9100047

PUBLIC HEARING FEES QTY PRICE
010 -ZONING VARIANCE (IRL) 1 X \$35.00
TOTAL: \$35.00

LAST NAME OF OWNER: MULL

Paid per hand-written receipt dated 8/3/90

Cashier Validation: Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number
No 3100
3102

Date 8/3/90

RESIDENTIAL VARIANCE 35.00 DUE
MULL

04A04#0103MCHRC
BA C010:19A008-03-90 \$35.00

Cashier Validation: Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number
No 3129

Date 8/08/90 H9100097

REVISED PUBLIC HEARING FEES QTY PRICE
100 -REVISIONS (IRL) 1 X \$35.00
TOTAL: \$35.00

LAST NAME OF OWNER: MULL

04A04#0103MCHRC
BA C010:19A008-08-90 \$35.00

Cashier Validation: Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 10/2/90

Posted for: Variance

Petitioner: Thomas D. Mull, et al. Francis D. Mull

Location of property: N/S Chesaco Ave., 443' SW of Patapsco Ave.

Location of Sign: Along Chesaco Ave. across E. Chester Ave. on property of Petitioner

Remarks: M.D. Mull

Posted by: M.D. Mull Date of return: 10/12/90

Number of Signs: 1

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
Case Number: 91-88-A
N/S Chesaco Ave., 443' SW of Patapsco Ave.
15th Election District
7th Councilmanic Legal Owner(s): Francis D. Mull, et al.
Contract Purchaser(s): Thomas D. Mull
Hearing Date: Wednesday, Oct. 24, 1990 at 11:00 a.m.

Variance: To permit a front yard setback of 8 ft. in lieu of the required 25 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NEA/JR/383 Sept. 27.

CERTIFICATE OF PUBLICATION
TOWSON, MD., 10-3-1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-27-1990

THE JEFFERSONIAN,
S. Zeke Olson
Publisher

105-46 \$80.46

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
Case Number: 91-88-A
N/S Chesaco Ave., 443' SW of Patapsco Ave.
15th Election District
7th Councilmanic Legal Owner(s): Francis D. Mull, et al.
Contract Purchaser(s): Thomas D. Mull
Hearing Date: Wednesday, Oct. 24, 1990 at 11:00 a.m.

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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NEA/JR/383 Sept. 27.

CERTIFICATE OF PUBLICATION
10-3-1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-27-1990

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER
S. Zeke Olson
Publisher

\$80.46

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE OCT 19 1990

Mr. & Mrs. Francis D. Mull
Thomas D. Mull
6405 Golden Ring Road
Baltimore, Maryland 21237

Re: Petition for Zoning Variance
CASE NUMBER: 91-88-A
N/S Chesaco Avenue, 443' SW of Patapsco Avenue
15th Election District - 7th Councilmanic
Legal Owner(s): Francis D. Mull, et al.
Contract Purchaser(s): Thomas D. Mull
HEARING: WEDNESDAY, OCTOBER 24, 1990 at 11:00 a.m.

Dear Petitioners:

Please be advised that \$103.46 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE SIGNER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 7, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-88-A
N/S Chesaco Avenue, 443' SW of Patapsco Avenue
15th Election District - 7th Councilmanic
Legal Owner(s): Francis D. Mull, et al.
Contract Purchaser(s): Thomas D. Mull
HEARING: WEDNESDAY, OCTOBER 24, 1990 at 11:00 a.m.

Variance: To permit a front yard setback of 8 ft. in lieu of the required 25 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Francis D. Mull
Thomas D. Mull

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number
No 3731

Date 10/23/90 H9100345

PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 X \$105.46
TOTAL: \$105.46

LAST NAME OF OWNER: MULL

04A04#0074MCHRC
BA C010:19A110-24-90 \$105.46

Cashier Validation: Please make checks payable to: Baltimore County

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Thomas D. Mull	6405 Golden Ring Rd
Francis D. Mull	2007 E. Maryland Ave. (F 2040)
Francis D. Mull	6405 Golden Ring Rd

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 15, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Francis D. Mull
6405 Golden Ring Road
Baltimore, MD 21237

RE: Item No. 47, Case No. 91-88-A
Petitioner: Francis D. Mull, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Mull:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Thomas D. Mull
6405 Golden Ring Road
Baltimore, MD 21237

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
22nd day of August, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Francis D. Mull, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: August 23, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Francis D. Mull, Item No. 47

The Petitioner requests a Variance to permit a front yard setback of 8 ft. in lieu of the required 25 ft.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM47/ZAC1

RECEIVED
SEP 6 1990
ZONING OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554



Dennis F. Rasmussen
County Executive

August 10, 1990

RECEIVED
AUG 30 1990
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 40, 41, 43, 46, 47, and 49.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: 47
PROPERTY OWNER:
LOCATION:
ELECTION DISTRICT:
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

X A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

X OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

AUGUST 9, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: FRANCIS D. MULL

Location: N/S CHESACO AVENUE

Item No.: 47 Zoning Agenda: AUGUST 21, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved *Captain W. F. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KER

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for August 21, 1990
DATE: August 9, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 43, 46 and 49.

For Items 40 and 41, a County Review Group Meeting is required.

For Item 44, the previous County Review Group comments still apply.

For Item 47, the sewer service to the basement of the house at this location does not appear to be feasible.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: October 22, 1990
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item 47
Mull Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located on Chesaco Avenue, no house number has yet been determined. The site is partially within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Francis D. Mull

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to permit "a front yard setback of 8 feet in lieu of the required 25 feet".
The applicant proposes to build a single family dwelling outside the Critical Area Boundary line. No disturbance within the Critical Area shall occur.

The applicant has needed and received a variance from this department's stream buffer requirements. This allows the applicant to have a 50 foot stream buffer with a 30 foot construction setback in lieu of the required 75 foot buffer with a 35 foot construction setback. No disturbance shall occur within the designated 50 foot forest buffer easement.

CONCLUSION

This department supports the zoning petition so that the existing stream is protected as much as possible. If there are any question, please contact Mr. David Flowers at 887-2904.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:NSS:ju

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

And the said Grantor hereby covenants that it has not done or suffered to be done any
not matter or thing whatsoever to encumber the property hereby conveyed that it will warrant
specially the property granted and that it will execute such further assurances of the same
as may be requisite

Baltimore County
Department of Environmental Protection
& Resource Management
County Courts Building
401 Busby Avenue
Towson, Maryland 21204
(800) 584-3688

Robert W. Shoenley
License

June 28, 1990

Mr. Francis D. Mull
5605 Golden Ring Road
Baltimore, Maryland 21237

Dear Mr. Mull:

A request for a variance of the Executive Order Baltimore County, Maryland, Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, was received by the Department of Environmental Protection and Resource Management on January 10, 1990. An addendum to that variance request was submitted on April 30, 1990.

The original request proposed a 20 to 50 foot forest buffer in lieu of the required 75 foot buffer and a zero setback in lieu of the required 35 foot setback. Mr. Rocky Powell of this Department met with you on April 18, 1990 to discuss that request. He explained that our Department could not support the variance request as submitted and suggested modifications. Subsequently, you submitted the addendum dated April 30, 1990.

This new request proposed that you will:

1. Maintain a 50 foot forest buffer from the stream centerline, both sides, in which there will be no future disturbances.
2. Maintain a 30 to 35 foot residential setback from the stream forest buffer, in which there can be grading, mowing, etc. but no structure (house) is allowed.
3. Relocate the proposed driveway crossing of the stream approximately 50 feet to the east from its original proposed location, where the stream appears to be at its shallowest, and the existing trees to be disturbed will be at a minimum.
4. Locate the proposed utility crossings (water and sewer) of the stream at the driveway.
5. Plant trees along the buffer as part of mitigation for the reduced buffer width.

IN THE PRESENCE OF : BEFORE THE
THE CLOSING OF A PORTION : COUNTY EXECUTIVE
OF CHESTER AVENUE : OF
(15th Election District) : BALTIMORE COUNTY

ORDER

WHEREAS, the Petitioner, Mr. & Mrs. Francis D. Mull, petitioned to close a portion of Chester Avenue, in the 15th Election District of Baltimore County, Maryland; and

WHEREAS, a Notice of said closing was published in a local Baltimore County newspaper for three successive weeks giving notice by publication of the intention to close said road; and

WHEREAS, the petitioner has caused notice to be served on all abutting property owners; and

WHEREAS, a hearing as set forth in the advertisement hereinbefore referred to was held on Thursday, September 27, 1990, 11:00 A.M. in the Office of the County Attorney, Second Floor, Old Courthouse, Towson, Maryland, for the purpose of receiving objections; and

WHEREAS, no one appeared at the said hearing protesting the said closing; and

WHEREAS, the County Hearing Officer has found that a portion of Chester Avenue is no longer necessary for public travel.

NOW, THEREFORE, it is this 28 day of September, 1990, by Baltimore County, Maryland,

ORDERED, that the portion of Chester Avenue be and the same is hereby closed as follows:

Beginning at the southwest corner of Lot #474, as recorded among the Land Records of Baltimore County in plat Liber W.P.C.

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

This Deed, MADE THIS day of

in the year one thousand nine hundred and ninety, by and between FRANCIS DEAN MULL and PATRICIA MAY MULL, his wife, parties

HE of the first part, and FRANCIS DEAN MULL and PATRICIA MAY MULL, his wife, parties

of the second part.

WITNESSETH, That ~~FOR NO CONSIDERATION~~

the said FRANCIS DEAN MULL and PATRICIA MAY MULL, his wife,

do grant and convey to the said FRANCIS DEAN MULL and PATRICIA MAY MULL, his wife, as tenants by the entirety, their assigns, the survivor of them, the survivor's

personal representatives/assigns and assigns, in fee simple, all

that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING at the southwest corner of Lot No. 474, as recorded among the Land Records of Baltimore County in Plat Book Liber WPC No. 6, folio 164, South 29 degrees 23 minutes West 15.0 feet, South 58 degrees 43 minutes East 68.18 feet, curving to the left a distance of 25.060 feet, with a radius of 660.0 feet, with a chord of North 84 degrees 32 minutes 12.1 seconds East 25.058 feet, North 58 degrees 43 minutes West 88.76 feet to the place of beginning, containing 1178 plus or minus square feet or 0.027 plus or minus acres. As shown on the attached Plat marked Exhibit "A".

FOR TITLE See Order dated September 28, 1990, by Baltimore County, Maryland, in the Matter of the Closing of a Portion of Chester Avenue.

SUBJECT, however, to Baltimore County, Maryland, a body corporate and politic, reserving and retaining therein any easements, expressed, proposed or implied, including, but not limited to slope, water, sewer and storm drains.

RESERVING also unto Baltimore Gas and Electric Company all easements for utility facilities including but not limited to gas mains, underground cables, poles and overhead wires.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: October 23, 1990
Zoning Commissioner
FROM: Mr. Donald C. Outen
SUBJECT: Chesaco Park Lots
Mull Property

The petition for a zoning variance to permit a front yard setback of 8 feet, in lieu of the required 25 feet, for the Chesaco Park Lots - Mull Property, is supported by the Department of Environmental Protection and Resource Management, contingent upon the honoring of the terms of the variance of the Executive Order, Baltimore County Regulations, for the Protection of Water Quality, Streams, Wetlands and Floodplains, which was granted by the Department on June 28, 1990.

The zoning variance in conjunction with the variance, granted by the Department of Environmental Protection and Resource Management, will allow this property to be developed.

Donald C. Outen, A.I.C.P., Chief
Bureau of Water Quality and
Resource Management

DCO:SS:sp

cc: Mr. Rocky Powell

RESERVED
OCT 26 1990
ZONING OFFICE

